

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**DECLARATION OF STEPHANIE ACKERMAN IN SUPPORT OF THE TRUSTEE'S
MOTION AND MEMORANDUM TO AFFIRM HIS DETERMINATIONS
DENYING CLAIMS OF CLAIMANTS HOLDING INTERESTS IN
WILLIAM PRESSMAN INC., WILLIAM PRESSMAN INC. ROLLOVER
ACCOUNT, AND AGL LIFE ASSURANCE COMPANY**

I, Stephanie Ackerman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an associate with Baker & Hostetler LLP, counsel to Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), and for Bernard L. Madoff ("Madoff").

2. I am fully familiar with this case and the facts set forth herein.

3. For purposes of the Trustee's Motion And Memorandum To Affirm His Determinations Denying Claims Of Claimants Holding Interests In William Pressman Inc., William Pressman Inc. Rollover Account, and AGL Life Assurance Company (the "Motion"), the Trustee selected three BLMIS accounts (collectively, the "Accounts"): 1ZA733 held by

William M. Pressman Inc.; and 1ZA734 held by William Pressman Inc. Rollover Account, and 1A0160 held by AGL Life Assurance Co. Separate Account VL 84; (collectively, the “Corporations”).

4. A list of Objecting Claimants associated with one or more of the Corporations whose claims are dealt with by this Motion is annexed as Exhibit 2 to the Declaration of Vineet Sehgal filed in support of the Motion (the “Sehgal Declaration”). The Motion addresses all outstanding docketed objections that have been filed to date by Objecting Claimants associated with one or more of the Corporations, details of which objections are contained in Sehgal Declaration Exhibits 2 and 3.

5. I supervised the service of discovery, including Requests for Admission, by the Trustee on the Objecting Claimants listed in Exhibit 2 to the Sehgal Declaration. I also personally reviewed and caused to be entered into our system each response to Requests for Admission or to Interrogatories that were received by our office. Most of the Objecting Claimants failed to respond.

6. During the course of my work on this matter, and to properly prepare and serve discovery, I personally reviewed hundreds of documents, including the claims filed by the Objecting Claimants, the respective notices of determination of claims issued by the Trustee, and the respective objections to the Trustee’s notices of determination of claims filed by the Objecting Claimants, in addition to reviewing the Trust account files as contained in the books and records of BLMIS.

7. The Objections to Determination filed on behalf of the Objecting Claimants associated with the William M. Pressman Inc. and William Pressman Inc. Rollover accounts were filed by Helen Chaitman of Becker & Poliakoff LLP. To clarify attorney representation

issues, on September 19, 2013, we requested that Ms. Chaitman provide the Trustee with verification as to which Objecting Claimants Becker & Poliakoff LLP represents. She did so on October 4, 2013 and December 2, 2013, and indicated on both occasions that she did not represent any of the Objecting Claimants in connection with the Trustee's discovery requests.

8. No responses to the Requests for Admission (nor any of the other discovery) as to AGL were received. The responses the Trustee received to the Interrogatories and Requests for Admission associated with Pressman Inc. and Pressman Rollover are attached *infra*.

Service of Requests for Admission and Other Discovery

9. I caused discovery to be served on Objecting Claimants through counsel or in a *pro se* capacity using contact details from the claims, or objections to the Trustee's notices of determination of claims, or the debtor's books and records, all as provided by the Trustee's claims agent, AlixPartners. Each of the Trustee's discovery requests contained a certificate of service setting out how and when service was made.

Pro Se Responses To Interrogatories and Requests for Admission

10. Attached hereto as Exhibit 1 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on Harriet Barbuto as well as a copy of the cover letter and of the Trustee's certificate of service for the discovery requests.

11. Attached hereto as Exhibit 2 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on Alice Jacobs as well as a copy of the cover letter and of the Trustee's certificate of service for the discovery requests.

12. Attached hereto as Exhibit 3 is a true and correct copy of the responses to both the Requests for Admission and the Interrogatories that were served on Debra Tamblyn as well as a copy of the cover letter and of the Trustee's certificate of service for the discovery requests.

Documents Produced

13. Attached hereto as Exhibit 4 is a true and correct copy of the documents produced to the Trustee in response to requests for production to Harriet Barbuto.

14. Attached hereto as Exhibit 5 are true and correct copies of the documents produced to the Trustee in response to requests for production to Debra Tamblyn.

Pro Se Objecting Claimants Who Failed To Respond To Requests For Admission

15. Attached hereto as Exhibit 6 is a chart of Objecting Claimants who did not respond to the Requests for Admission served upon them. The Objecting Claimants who received these requests were either (1) Objecting Claimants who had filed a *pro se* objection to the Trustee's notice of determination of claim; or, (2) Objecting Claimants whose objections to determination had been filed by counsel.

16. Each of the Objecting Claimants received ten (10) substantively identical Requests for Admission in their discovery packages. All but one of the Pressman Rollover Objecting Claimants, received three additional requests for admission. These two sets are distinguished by variations in the "RFA Type" column of the Exhibit 6 chart.

17. The Pressman Inc., AGL, and all but one Pressman Rollover Objecting Claimant received a package with thirteen identical numbered Requests for Admission (RFA Type "1" in the Exhibit 6 chart).

18. One Pressman Rollover Objecting Claimant received a package with ten (10) of the thirteen (13) Requests for Admission (RFA Type "2" in the Exhibit 6 chart).

19. Examples of the two types of Requests for Admission discussed in the four immediately preceding paragraphs are attached as Exhibit 7 (Alice Jacobs, 1 on chart) and

Exhibit 8 (William Pressman, 2 on chart). Exhibits 7 and 8 each contain the cover letter and Requests for Admission as sent, but omit the other enclosures referenced in the cover letter.

20. The cover letters sent to the various Objecting Claimants in the Exhibit 6 chart had other relevant variations (date, addressee, claim number, due date for responses, references to the dates and docket numbers of objections) that are not directly relevant to the requests for admission themselves.

21. Given there are voluminous Requests for Admission and that there is no variation other than as mentioned in this declaration, the Trustee is offering to provide these documents on request rather than attaching them to this declaration.

22. Attached as Exhibit 9 is a complete set of the Certificates of Service applicable to the Requests for Admission served on the Objecting Claimants listed in the Exhibit 6 chart.

Miscellaneous Exhibits

23. Attached hereto as Exhibit 10 are selected pages of the transcript of the hearing held February 25, 2015 regarding Trustee's Motion And Memorandum To Affirm His Determinations Denying Claims Of Claimants Holding Interests In S & P Or P & S Associates, General Partnerships (ECF No. 8734).

24. Attached hereto as Exhibit 11 is a true and correct copy of the September 5, 2014 letter received by the Trustee from AGL in response to his requests for discovery.

25. Attached hereto as Exhibit 12 is a true and correct copy of the results of an entity search and name change history for AGL Life Assurance Company on the Pennsylvania Secretary of State website.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 4, 2016
New York, New York

/s/ Stephanie Ackerman
Stephanie Ackerman
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New York, New York 10111